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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/765,963	01/29/2004	Kazuo Shiota	2091-0309P

02292
 BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747



CONFIRMATION NO. 2340

FORMALITIES LETTER



OC000000012936371

Date Mailed: 06/14/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

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130.00 DP

*A copy of this notice **MUST** be returned with the reply.*

Filer, wot

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



MS MISSING PARTS
PATENT
2091-0309P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Kazuo SHIOTA et al. Conf.: 2340
Appl. No.: 10/765,963 Group: 2127
Filed: January 29, 2004 Examiner: UNASSIGNED
For: APPARATUS AND PROGRAM FOR SELECTING
PHOTOGRAPHIC IMAGES

THIS IS NOT A NEW PATENT APPLICATION

LETTER SUBMITTING DOCUMENTS
FOR COMPLETION OF AN APPLICATION
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

MS MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 16 2004

Sir:

The application papers for the above-identified application were originally filed on January 29, 2004 and the application was assigned Appl. No. 10/765,963.

DOCUMENTATION

- Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) (original photocopy), necessary for completing the filing requirements in connection with the above-identified application.
- Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached

to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on January 29, 2004, including any amendments thereto (if applicable) filed on even date therewith.

- The undersigned hereby declares that "Attorney Docket No. 2091-0309P " on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 10/765,963, filed January 29, 2004, entitled "APPARATUS AND PROGRAM FOR SELECTING PHOTOGRAPHIC IMAGES."
- Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.
- Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
 - See the attached Translator's Verification; or
 - The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- Attached are _____ () sheet(s) of formal drawings. Please substitute these corrected drawings for the corresponding _____ () sheets of drawings on file in the above-identified application.
- Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.

Applicant claims small entity status under 37 C.F.R. § 1.27.

Submitted concurrently herewith **under separate cover** for recording is an Assignment.

FEES

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

Basic Filing Fee(s): \$0.00 (37 C.F.R. § 1.16(a)-(d))

The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:

Large Entity - \$130.00 Small Entity - \$ 65.00

The Government Filing Surcharge under 37 C.F.R. § 1.17(i) for filing of translation of non-English Specification in the amount of \$130.00:

was previously paid for concurrently with the filing of the application on .

is attached hereto.

Additional claim fee(s) under 37 C.F.R. § 1.16(b)-(d) in the amount of \$0.00; which have been calculated as follows:

	CURRENT NUMBER OF CLAIMS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATES	ADDITIONAL FEE
TOTAL	-	20	= 0	\$18 (large)	\$0.00
INDEPENDENT	-	3	= 0	\$86 (large)	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				\$290 (large)	\$0.00
					TOTAL \$0.00

No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of

Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

- Applicant hereby respectfully petitions for a () month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.
- Check(s) in the amount of \$130.00 to cover the basic filing fee(s), surcharge fee(s), additional claim fee(s), and any extension of time fee(s) (if applicable) is/are enclosed.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.
- No fee(s) required.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Marc S. Weiner, #32,181

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MSW/sh
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Attachment(s)